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TAGS: [PGOV](#) [PREL](#) [FM](#)  
SUBJECT: POHNPEI STATE CONCLUDES ITS CONSTITUTIONAL CONVENTION

REF: KOLONIA 47

1. (U) Summary. Pohnpei State concluded its Second Constitutional Convention after ninety days of deliberations. Delegates considered fourteen proposed amendments to the state's twenty-five-year old constitution and approved ten. Voters must approve the proposals in a subsequent referendum in order for the amendments to be ratified. End summary.

2. (U) In 2007, Pohnpeian voters approved a ballot measure calling for a constitutional convention. The impetus arose from strong secessionist sentiment; many Pohnpeians feel that Chuuk receives a disproportionate share of Compact funds and other revenue at Pohnpei's expense. Voters chose 29 delegates to the convention in the March 2009 general elections.

3. (U) The 2007 ballot measure also created a Pre-Convention Committee to identify the issues to be considered. The Committee looked at 166 proposed constitutional amendments before narrowing it down to fourteen.

4. (SBU) Proposals to secede from the FSM, one of the main issues that drove voters to approve the convention in the first place, did not make the final cut. The largest municipalities on the island, Madolehnimw, Kitti and U, each submitted amendments giving Pohnpei the right to secede. Committee Chairman Hainrick Stevenson (whose day job is Director of Public Affairs for Pohnpei State) stated publicly that secession became an issue after the national legislature decided to pay Chuuk state's Social Security arrears (reftel) and passed other "bail out" legislation favoring Chuuk. However, all three of these proposals failed to pass the first reading. Delegate Ferny Perman told CDA that "it is not yet time to address the issue [of secession]."

5. (U) The Convention passed ten proposed amendments that would:

- Provide legal aid to indigent Pohnpeians;
- Give original jurisdiction to the Pohnpei Supreme Court over all civil and criminal cases;
- Add the following to the Constitution: "If conflicting constitutional amendments are submitted to the voters at the same election and are approved, the amendment receiving the highest number of affirmative votes shall prevail . . ."
- Limit proposed constitutional amendments to one subject only;
- Impose a 180 day minimum time and a 365 day maximum for voters to ratify a proposed constitutional amendment;
- Require the state government to ask the voters whether they want to convene a constitutional convention every third general election (i.e. every four years);
- Require Judges and Justices to accept a percentage reduction in salary if other government employees must do so;
- Clarify future impeachment proceedings brought against state officials;

- Require candidates for Governor and Lt. Governor to run on a single ticket; and
- Make the Public Auditor position an elected position, rather than a post appointed by the Governor.

¶6. (U) The proposed amendments are not ratified until they pass muster with the voters. The date for a referendum has not been set.

¶7. (SBU) Conclusion. The national government dodged a bullet when the Convention refused to consider secession amendments. Legitimately or not, Pohnpeians definitely think that national government policies favor Chuuk. However, their resentment cannot overrule the high cost of separation, i.e. the loss of Compact funds. When Delegate Perman spoke of a "right time" to secede, he might have been thinking of a future date when secession would not be so costly: after the Compact expires in ¶2023. Once the economic incentives to stay together are removed, the Federation's wide cultural and linguistic disparities may lead to a break-up. End conclusion.

DOUGLASS